IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13165 of 2004

Between:

Chebrolu Appala Raju, s/o Appa Rao, Hindu, Male, Aged 32 years,
R/o D.No. 15-2-107, Gangavaram (Post & Village) Pedagantyada (SO),
Visakhapatnam - 44.

..... PETITIONER

AND

Visakhapatnam Steel Plant, Chairman & Managing Director, Visakhapatnam.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent in its letter dated 25-2-2003 that the petitioner could not secure the minimum qualifying marks in the interview for the post of Assistant Technician Trainee, in Visakhapatnam Steel Plant in interview dated 9-3-1988 as illegal, incorrect, and untenable and consequently set aside the same and direct the respondent to consider his case for any suitable post in the Visakhapatnam Steel Plant being a displaced person under the scheme of rehabilitation for displaced persons within the time stipulated by this Hon'ble Court on par with similarly situated persons.

Counsel for the Petitioner: SMT.N.(P).ANJANA DEVI, SATYANARAYANA

Counsel for the Respondent: Mr. V. Ravindra Rao, Standing Counsel for Visakhapatnam Steel Plant.

The Court made the following:

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ORDER:

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This writ petition is filed seeking a writ of Mandamus to declare the action of the respondent in its letter dated 25-02-2003 stating that the petitioner could not secure the minimum qualifying marks in the interview for the post of Assistant Technician Trainee in respondent-Visakhapatnam Steel Plant in the interview dated 09-03-1988 as illegal, untenable and consequently to set aside the same and direct the respondent to consider the case of the petitioner under the scheme of rehabilitation for displaced persons within the time stipulated on par with similarly situated persons.

The petitioner stated in the affidavit filed along with the writ petition that he is one of the family members of the displaced persons at the time of formation of the respondent-Steel Plant, Visakhapatnam and that the displaced persons were issued rehabilitation cards by the State Government and a scheme was introduced by the respondent to provide suitable jobs to them. In that process, the petitioner applied for employment before the respondent-Steel Plant for any suitable post and at that time he was running his 18th year. Since he was a minor as on the date of interview i.e., on 09-03-1988, he was not given any appointment. Subsequently, he made several

representations seeking employment before the respondent but, the respondent did not provide any employment. While so, on 25-02-2003, the petitioner received a reply from the respondent-Steel Plant stating that he was not qualified in the interview as he could not secure the minimum qualifying marks. The petitioner contended that the version in the reply is not correct and he was not provided employment only on the ground that he was a minor by that time. The petitioner further submitted that similarly placed persons approached this Court by filing W.P.No.9370 of 1996 and batch and the same were allowed by directing the respondent to consider their cases and to give appointment orders to them. The petitioner further submitted that in W.P.No.30221 of 1997 this Court, following the judgment in the earlier batch, directed the respondent to consider the case of the petitioner therein for appointment.

The grievance of the petitioner is that even after considering the cases of similarly situated persons, the respondent did not consider his representation for appointment. Hence, he approached this Court by way of filing the present writ petition.

Heard the learned Counsel for both the parties and at their request the writ petition itself is taken up for disposal at the admission stage and perused the material available on record.

The learned Counsel for the respondent submitted that the respondent provided employment for more than six thousand persons belonging to the rehabilitated families and there is no scheme or earmarking of any posts for providing employment to the members of the families of rehabilitated persons and that as per the latest scheme of the respondent, the persons who are sponsored by the employment exchange and those who make applications in pursuance of a public notification will be considered as and when there are vacancies. Therefore, he submitted that the request of the petitioner for appointment in the quota of rehabilitated persons does

not arise.

The learned Counsel for the petitioner submitted that if the records of the respondent of the year 1988 are perused, it would disclose whether the petitioner was disqualified only on the ground of under-age or on the ground that he did not get the prescribed qualifying marks. He, therefore, requested to direct the respondent to consider the case of the petitioner for appointment as a member of the family of rehabilitated persons.

In the light of the facts and circumstances of the case, the respondent is directed to once again verify the records to know whether the petitioner was disqualified on the ground that he did not get the qualifying marks or on the ground that he was a minor as on that date. If it was on the ground that he was minor, as and when there is a notification for filling up vacancies, and on application by the petitioner in response to such notification, his case may be considered and appropriate orders be passed.

This writ petition is accordingly disposed of at the admission stage. No order as to costs.

29-07-2004

ghn

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SECTION OFFICER

To

1. Visakhapatnam Steel Plant, Chairman & Managing Director,

Visakhapatnam.

2. Two C.D copies.